

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C. A. No. 04-10258 NG

ARTHUR PERNOKAS and
DIANNE PERNOKAS,

Plaintiffs

v.

BARRIE PASTER, MD,

Defendant

JOINT SCHEDULING STATEMENT

Plaintiffs Arthur Pernokas and Dianne Pernokas, and Defendant Barrie Paster, MD hereby file this Joint Scheduling Statement pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1.

Introduction

Counsel for the parties have conferred and agreed upon the following issues to be discussed at the scheduling conference: transfer of the case to state court to convene a medical malpractice tribunal pursuant to G.L. c. 231, §60B; a proposed pre-trial schedule including a plan for discovery; and the parties willingness to consent to trial before a magistrate judge.

Proposed Agenda

Counsel for the parties have agreed the case may be transferred to state court for the convening of a medical malpractice tribunal pursuant to G.L. c. 231, §60B, and that the time deadlines proposed in the pre-trial schedule shall begin to operate as of the day the tribunal is convened (whose date is obviously unknown at this time).

Proposed Pre-Trial Schedule

- | | | |
|----|--|---------------------|
| 1. | All discovery requests completed within: | 6 mos. of Tribunal |
| 2. | All depositions completed within: | 12 mos. of Tribunal |
| 3. | Plaintiff's expert reports due within: | 13 mos. of Tribunal |
| 4. | Defendant's expert reports due within: | 14 mos. of Tribunal |

FILED

In Open Court
USDC, Mass.

Date 7-13-04

By [Signature]
Deputy Clerk

- | | | |
|----|--|------------------------------|
| 5. | Expert depositions completed within: | 15 mos. of Tribunal |
| 6. | All motions under Fed. R. Civ. P. 56 filed within: | 16 mos. of Tribunal |
| 7. | All non-dispositive motions filed within: | 16 mos., 15 days of Tribunal |
| 8. | Settlement Conference, Final Pre-Trial Conference
and Trial Date: | TBA by the Court |


Consent to Trial by Magistrate

The parties do not consent to trial by magistrate.


Respectfully,

The Plaintiffs,
Arthur Pernokas and Dianne Pernokas,
By their Attorney,

The Defendant,
Barrie Paster, MD,
By his Attorney,



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July 13, 2004